

IN THE COURT OF APPEALS OF TENNESSEE  
WESTERN SECTION AT JACKSON

**FILED**

Dec. 30, 1996

Cecil Crowson, Jr.  
Appellate Court Clerk

**RAMONA C. SCHRADER,**

Defendant\Appellee

v.

**A. L. SCHRADER,**

Petitioner\Appellant

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HENRY CHANCERY

Appeal No. 02A01-9605-CH-00108

APPEAL FROM THE CHANCERY COURT OF GIBSON COUNTY  
AT TRENTON, TENNESSEE  
THE HONORABLE GEORGE R. ELLIS, CHANCELLOR

**L. L. HARRELL, JR.**

Harrell & Harrell  
NW Court Square  
Trenton, TN 38382

**JULIA J. TATE**

Gracey, Ruth, Howard, Tate  
& Sowell  
150 Second Avenue North, Suite 201  
Nashville, TN 37201

**AFFIRMED**

**WILLIAM H. INMAN, SENIOR JUDGE**

**CONCUR:**

**ALAN E. HIGHERS, JUDGE**

**HOLLY LILLARD, JUDGE**

**MEMORANDUM OPINION**

These parties were divorced in 1981 following a 25-year marriage and the birth of three children. The appellant was ordered to pay alimony of \$950.00 monthly, well within his means as a practicing physician.

He is now 70 years old and in declining health. He has retired from practice and alleges this fact superimposed upon his frailty amounts to such a change of circumstances as to justify and require a reduction in the ordered payments.

The evidence reveals that he has a minimum of \$457,200. in assets and the overall thrust of the evidence justifies the conclusion of the trial judge that the appellant had failed to prove such a change in circumstances as would require a reduction in his alimony obligation. Our review of the findings of fact made by the trial court is *de novo* upon the record of the trial court, accompanied by a presumption of the correctness of the finding, unless the preponderance of the evidence is otherwise. TENN. CODE ANN. § 50-6-225(3)(2). *Stone v. City of McMinnville*, 896 S.W.2d 584 (Tenn. 1991).

We think this is a proper case for affirmance pursuant to RULE 10, RULES OF THE COURT OF APPEALS.<sup>1</sup>

The case is remanded for the assessment of attorney fees in the trial court and on appeal as costs, which are taxed to the appellant.

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William H. Inman, Senior Judge

CONCUR:

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Alan E. Highers, Judge

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Holly Lillard, Judge

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<sup>1</sup> **10. Affirmance Without Opinion - Memorandum Opinion.**

**(b) Memorandum Opinion.** The Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in a subsequent unrelated case. [As amended by order filed April 22, 1992.]

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	)	HENRY CHANCERY
Defendant\Appellee	)	
v.	)	
	)	
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	)	
Petitioner\Appellant	)	

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**J U D G M E N T**

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This cause came on to be regularly heard and considered by this Court, and for the reasons stated in the Memorandum Opinion of this Court, of even date, it is Ordered:

1. The judgment of the trial court is affirmed.
2. Costs of this appeal are taxed against the appellant for which execution may issue if necessary.

ENTER:

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William H. Inman, Senior Judge

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Alan E. Highers, Judge

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Holly Lillard, Judge